

REMARKS/ARGUMENTS

Claims 1-64 were pending in this application before the present response. In the Office Action dated May 11, 2009, claims 1-64 stand rejected under 35 U.S.C. § 103.

This paper rewrites claims 1-3, 18, 28, 42, and 56-60. Thus, claims 1-64 remain pending in this application. Applicants respectfully request reconsideration and allowance of all pending claims, in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10, 12-15, 17-24, 26-31, 33-45, 47-64

Claims 1-10, 12-15, 17-24, 26-31, 33-45, 47-64 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Strasser, et al., U.S. Patent Application Publication Number 2003/0185238 (hereinafter “Strasser”), in view of Kelly et al., U.S. Patent Application Publication Number 2006/0093315 (hereinafter “Kelly”), and in further view of Barton et al., U.S. Patent Number 6,233,389 (hereinafter “Barton”). The Applicants respectfully traverse this rejection.

The differences between the presently claimed invention and Strasser, Kelly, and Barton, taken either alone or in combination, are nonobvious. As reiterated by the Supreme Court in *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Thus, the analysis of patentability under 35 U.S.C. 103 requires consideration of four factors: (i) the scope and content of the prior art, (ii) the differences between the prior art and the claims as a whole, (iii) the level of ordinary skill in the art, and (iv) objective evidence of non-obviousness. *Graham* at 13. Combining elements from different prior art references in hindsight is to be avoided.

Strasser describes a system and methods for maintaining a timing relationship among data packets associated with a single program of a multiple program transport stream. In Strasser, a transport stream parser receives a multiple program transport stream that includes multimedia data packets from multiple programs. The multiple program transport stream organizes the programs serially (FIG. 2, element 105). The transport stream parser (element 110) synchronizes the multiple program transport stream

(element 105) with a program clock reference (element 113) to extract a single program transport stream (element 115). As Strasser describes in paragraphs [0020]-[0021], since the original timing relationship of the data packets in the multiple program transports stream (element 105) is not maintained in the transport packets of the single program transport stream (element 115), the Strasser system must actively maintain the timing relationship between the transport packets. To actively maintain the timing, the Strasser system uses a timestamp module to generate a timestamp for every transport packet based on an external time reference that may be periodically resynchronized with the program clock reference (element 113), when present. Thus, Strasser describes timestamping packets that arrive in real-time with an external time reference (*e.g.*, wall clock time), and using those timestamps to pace the later playout of a subset of the stream.

The presently claimed invention, as recited in independent claims 1-3, 18, 28, 42, and 56-60, differs from Strasser. The presently claimed invention analyzes the first content “to determine at least one access point for each presentation group, said at least one access point including at least one pointer to timing data in the first content”. The presently claimed invention generates a private transport packet for each presentation group, each private transport packet including “metadata containing information allowing modified production of the first content” where “the information allowing modified production includes said at least one access point”. Since the presently claimed invention creates the second content by combining the first content and the private transport packet, which includes the metadata, the timing in the second content is derived from internal timing in the first content. Thus, the presently claimed invention differs from Strasser.

The Office Action acknowledges that Strasser does not describe generating a private transport packet for each presentation group, creating second content by combining the first content and the private transport packet for each presentation group, and storing the second content. The Examiner relies on Kelly to make up for these shortcomings of Strasser.

Kelly describes various methods for producing an edited MPEG audio/video stream from first and second streams recorded in a transport-stream format normally intended for broadcast purposes. FIG. 7 in Kelly illustrates the key features and structure of the MPEG-2 transport stream format. More specifically, FIG. 7 and the related

discussion is part of the MPEG Systems Specification (ISO 13818-1) and tutorial in nature. The transport stream in Kelly is a continuous stream of transport packets labeled T-PKT, where each T-PKT includes a header portion and a payload portion. The header portion includes a PID field that indicates one elementary stream to which that packet relates, these being interleaved in units of transport packets with plentiful other streams. The payload portion, as indicated by bytes DAT-0 to DAT-N in FIG. 7, for successive transport packets that have the same PID are concatenated into a stream, and this stream carries packetized elementary stream packets PES-PKT, which are further defined in the MPEG-2 specification. Thus, as taught by Kelly, the T-PKTs are not generated, but are part of the transport stream. Also, as taught by Kelly, the DAT-0 to DAT-N portion of the T-PKT is payload data for the T-PKT, not metadata (*i.e.*, data that describes other data).

The presently claimed invention, as recited in independent claims 1-3, 18, 28, 42, and 56-60, differs from Kelly. The presently claimed invention describes “generating a private transport packet for each presentation group, each private transport packet including metadata derived from at least one of the first content portions in the respective presentation group”. Thus, the private transport packet in the presently claimed invention is not analogous to the PES-PKT in Kelly because the private transport packet in the presently claimed invention is derived from the first content portions in the presentation group, and the PES-PKT in Kelly is not derived from the DAT-0 to DAT-N payload portion of the T-PKT. Furthermore, the presently claimed invention analyzes the first content “to determine at least one access point for each presentation group, said at least one access point including at least one pointer to timing data in the first content”. The presently claimed invention generates a private transport packet for each presentation group, each private transport packet including “metadata containing information allowing modified production of the first content” where “the information allowing modified production includes said at least one access point”. Since the presently claimed invention creates the second content by combining the first content and the private transport packet, which includes the metadata, the timing in the second content is derived from internal timing in the first content.

The Office Action acknowledges that Strasser and Kelly do not describe receiving first content that includes multimedia data streams, and creating second content by combining the first content (including the plurality of multimedia data streams) with the private transport packet for each presentation group. The Examiner relies on Barton to make up for these shortcomings of Strasser and Kelly.

Barton describes a multimedia time warping system that allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program. The television input streams are converted to an MPEG formatted stream for internal transfer and manipulation and are parsed and separated into video and audio components that are stored in temporary buffers. Thus, Barton describes demultiplexing (disassembling) the multimedia data stream into component streams and reassembling the component streams into an MPEG stream when a program is requested for display.

The presently claimed invention, as recited in independent claims 1-3, 18, 28, 42, and 56-60, differs from Barton. The presently claimed invention describes “analyzing the first content to detect sets of related first content portions” and “generating a private transport packet for each presentation group, each private transport packet including metadata derived from at least one of the first content portions in the respective presentation group”. Thus, the presently claimed invention does not recite parsing or separating (*i.e.*, demultiplexing (disassembling) or reassembling) the first content as described in Barton. Moreover, the presently claimed invention specifically avoids disassembling and reassembling the stream to obtain the benefits of (a) not incurring the associated overhead/cost and therefore improving the efficiency of the processing, and (b) maintaining the relative timing between the components to avoid the possibility of introducing synchronization or “lip synch” errors. Furthermore, the presently claimed invention analyzes the first content “to determine at least one access point for each presentation group, said at least one access point including at least one pointer to timing data in the first content”. The presently claimed invention generates a private transport packet for each presentation group, each private transport packet including “metadata containing information allowing modified production of the first content” where “the information allowing modified production includes said at least one access point”. Since

the presently claimed invention creates the second content by combining the first content and the private transport packet, which includes the metadata, the timing in the second content is derived from internal timing in the first content.

Strasser, Kelly, and Barton, taken either alone or in combination, do not describe, as presently claimed, analyzing the first content “to determine at least one access point for each presentation group, said at least one access point including at least one pointer to timing data in the first content”. In addition, Strasser, Kelly, and Barton, taken either alone or in combination, do not describe, as presently claimed, “generating a private transport packet for each presentation group, each private transport packet including ... “metadata containing information allowing modified production of the first content ... wherein the information allowing modified production includes said at least one access point””. Furthermore, Strasser, Kelly, and Barton, taken either alone or in combination, do not describe, as presently claimed, “creating the second content by combining the first content and the private transport packet”, which includes the metadata, and thereby derives the timing in the second content from internal timing in the first content.

Since Kelly and Barton fail to supply features missing from Strasser, the combination of Strasser, Kelly, and Barton cannot suggest the presently claimed invention and cannot render the claims obvious. Thus, no matter how Strasser, Kelly, and Barton may be combined (even assuming, *arguendo*, that one of ordinary skill in the art would be led to combine them) the resulting combination is not the invention recited in independent claims 1-3, 18, 28, 42, and 56-60.

For at least the aforementioned reasons, independent claims 1-3, 18, 28, 42, and 56-60 are patentable over Strasser, Kelly, and Barton, taken either alone or in combination. Thus, the Examiner should withdraw the 35 U.S.C. § 103 obviousness rejection as to independent claims 1-3, 18, 28, 42, and 56-60.

Claims 4-17, 19-27, 29-41, 43-55, and 61-64 depend from independent claims 1-3, 18, 28, 42, or 56-60. For the previously stated reasons, independent claims 1-3, 18, 28, 42, and 56-60 are allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw this rejection as to dependent claims 4-17, 19-27, 29-41, 43-55, and 61-64.

Claim 11

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Strasser, in view of Kelly, and further in view of Kovacevic, U.S. Patent Application Publication Number 2002/0128823 (hereinafter “Kovacevic”). The Applicants respectfully traverse this rejection.

Claim 11 depends from independent claim 3. For at least the aforementioned reasons, claim 3 is patentable over Strasser and Kelly, taken either alone or in combination. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw this rejection as to dependent claim 11.

Furthermore, Kovacevic describes a system and methods for extracting digital audio stream data from received transport streams. However, Kovacevic does not make-up for the aforementioned shortcomings of Strasser and Kelly. Thus, the combination of Strasser, Kelly, and Kovacevic, taken either alone or in combination, do not describe the presently claimed invention.

Claims 16, 25, 32, and 46

Claims 16, 25, 32, and 46 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Strasser, in view of Kelly, and further in view of McLaren, et al., U.S. Patent Number 6,064,794 (hereinafter “McLaren”). The Applicants respectfully traverse this rejection.

Claims 16, 25, 32, and 46 depend, respectively, from independent claims 3, 18, 28, and 42. For at least the aforementioned reasons, claims 3, 18, 28, and 42 are patentable over Strasser and Kelly, taken either alone or in combination. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw this rejection as to dependent claims 16, 25, 32, and 46.

Furthermore, McLaren describes a method for providing various reproduction modes by controlled selection of replay locations within a video stream or between separate video streams derived for selected trick-play speeds. However, McLaren does

not make-up for the aforementioned shortcomings of Strasser and Kelly. Thus, the combination of Strasser, Kelly, and McLaren, taken either alone or in combination, do not describe the presently claimed invention.

Conclusion

In view of the foregoing discussion, Applicants believe that claims 1-64 are allowable over the cited art. Applicants respectfully submit that all pending claims are in full condition for allowance, and earnestly request that the Examiner withdraw all rejections of the claims and enter a Notice of Allowance at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Respectfully submitted,

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